

Panaji, 8th January, 2009 (Pausa 18, 1930)

SERIES I No. 41

OFFICIAL GOVERNMENT OF GOA GAZETTE



NOTE

There is one Extraordinary issue to the Official Gazette, Series I No. 40 dated 1-1-2009 namely, Extraordinary dated 05-01-2009 from pages 1149 to 1150 regarding Notification from Department of Law & Judiciary (Legal Affairs Division).

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GOVERNMENT OF GOA

Department of Forest

Order

4-9-2008/FOR/3

Sanction of the Government is hereby conveyed for creation of one post of Assistant Conservator of Forests/Zoo Manager in the Forest Department in the scale of Rs. 9,300/- - 34,800/- + Grade Pay Rs. 4,200/-.

The expenditure is debitable to the Budget Head Demand No. 68,2406-Forestry & Wildlife, 02-Environmental Forests & Wildlife, 110-Wildlife Preservation, 10-Wildlife & Eco-Tourism (Plan), 01-Salaries.

This issues with the concurrence of Finance Department vide their U. O. No. Fin (R&C) 3065/F dated 13-11-2008 and approval of ARD vide their U. O. No. 184/F dated 4-8-2008.

By order and in the name of the Governor of Goa.

Jessie Freitas, Under Secretary (Forests).

Porvorim, 5th January, 2009.

Department of Labour

Order

22/12/2002-LAB/6239

The Building and Other Construction Workers' (Regulation of Employment and Conditions of Service) Act, 1996 (referred as B.O.C.W. Act) and the Building and Other Construction Workers, Welfare Cess Act, 1996 (referred as Cess Act) have been enacted by Government of India to regulate the employment and conditions of service and to provide safety, health and welfare measures for the building and other construction workers' and collection of cess from the employers for running the welfare schemes for the said workers.

Section 3 of Cess Act provides for levy and collection of the cess on the cost of construction which are covered under section 2(d) of the Building and Other Construction Workers' (Regulation of Employment and Conditions of Service) Act, 1996. The Government of India vide

Notification No. S-61011/9/95-RW (Part) dated 26th September, 1996 has provided that cess shall be collected at the rate of 1% of the total cost of construction of project which shall exclude the cost of land and any compensation paid or payable to a worker or his kin under the provisions of Workmen Compensation Act, 1923.

Section 3 of the cess Act is reproduced as below:

Levy and collection of cess.— (1) There shall be levied and collected a cess for the purpose under the Building and Other Construction Workers' (Regulation of Employment and Conditions of Service) Act, 1996, at such rate not exceeding two per cent but not less than one per cent of the cost of construction incurred by an employer, as the Central Government may, by notification in the Official Gazette, from time to time specify.

(2) The cess levied under sub-section (1) of Section 3 shall be collected from every employer in such manner and at such time, including deduction at source in relation to a building or other construction work of Government or of a Public Sector Undertaking or advance collection through a Local Authority where an approval of such building or other construction work by such Local Authority is required, as may be prescribed.

(3) The proceeds of the cess collected under sub-section (2) of Section 3 shall be paid by the local authority or the State Government collecting the cess to the Board after deducting the cost of collection of such cess not exceeding one per cent of the amount collected.

(4) Notwithstanding anything contained in sub-section (1) or sub-section (2) of Section 3 the cess leviable under this Act including payment of such cess in advance may, subject to final assessment to be made, be collected at a uniform rate or rates as may be prescribed on the basis of the quantum of the building or other construction work involved.

Rule 4, 5 and 6 of the Building and Other Construction Workers' Welfare Cess Rules, 1998 provide for the time and manner of cess collection, transfer of proceeds of the cess to the Board and information to be furnished by employers respectively which are reproduced below:—

Rule 4

Time and manner of collection.— (1) The cess levied under sub-section (1) of section 3 of the Act shall be paid by an employer, within thirty days of completion of the construction project or within thirty days of the date on which assessment of cess payable is finalized, whichever is earlier, to the cess collector.

(2) Notwithstanding the provisions of sub-rule (1), of Rule 4 where the duration of the project or construction work exceeds one year, cess shall be paid within thirty days of completion of one year from the cost of construction incurred during the relevant period.

(3) Notwithstanding the provisions of sub-rule (1) and sub-rule (2), of Rule 4 where the levy of cess pertains to building and other construction work of Government or of a Public Sector Undertaking, such Government or the Public Sector Undertaking shall deduct or cause to be deducted the cess payable at the notified rates from the bills paid for such works.

(4) Notwithstanding the provisions of sub-rule (1) and sub-rule (2), where the approval of a construction work by a local authority is required, every application for such approval shall be accompanied by a crossed demand draft in favour of the Board and payable at the notified rates on the estimated cost of construction:

Provided that if the duration of the project is likely to exceed one year, the demand draft may be for the amount of cess payable on cost of construction estimated to be incurred during one year from the date of commencement and further payment of cess due shall be made as per the provisions of sub-rule (2)

(5) An employer may pay in advance an amount of cess calculated on the basis of the estimated cost of construction alongwith the notice of commencement of work under Section 46 of the main Act by a crossed demand draft in favour of the Board and payable at station at which the Board is located:

Provided that if the duration of the project is likely to exceed one year, the demand draft may be for the amount of cess payable on cost of construction estimated to be incurred during one year from the date of such commencement and further payment of cess due shall be made as per the provisions of sub-rule (2)

(6) Advance cess paid under sub-rules (3), (4) and (5), of Rule 4 shall be adjusted in the final assessment made by the Assessing Officer.

Rule 5

Transfer of the proceeds of the cess to the Board.— (1) The proceeds of the cess collected under Rule 4 shall be transferred by such Government office, Public Sector Undertaking, Local Authority, or Cess Collector to the Board under the accounting procedures of the State, by whatever name they are known.

(2) Such Government Office of Public Sector Undertaking may deduct from the cess collected, or claim from the Board, as the case may be, actual collection, expenses not exceeding one percent of the total amount collected.

(3) The amount collected shall be transferred to the Board within thirty days of its collection.

Rule 6

Information to be furnished by the employer.—

(1) Every employer, within thirty days of commencement of his work of payment of cess, as the case may be, furnish to the Assessing Officer, information in Form - I.

(2) Any change or modification in the information furnished under sub-rule (1) shall be communicated to the Assessing Officer immediately but not later than thirty days from the date of affecting the modification or change.

Section 2(d) of the Building and Other Construction Workers' (Regulation of Employment and Conditions of Service) Act, 1996 which defines the building or other construction work is reproduced hereunder:—

Building or Other Construction Work.—

"Means the construction, alteration, repairs, maintenance or demolition, of or, in relation to, buildings, streets, roads, railways, tramways, airfields, irrigation, drainage, embankment and navigation works, flood control works (including storm water drainage works), generation, transmission and distribution of power, water works (including channels for distributing of water), oil and gas installations, electric lines, wireless, radio, television, telephone, telegraph and overseas communications, dams, canals, reservoirs, watercourses, tunnels, bridges,

viaducts, aqueducts, pipelines, towers, cooling towers, transmission towers and such other work as may be specified in this behalf by the appropriate Government, by notification but does not include any building or other construction work to which the provisions of the Factories Act, 1948 (63 of 1948), or the Mines Act, 1952 (35 of 1952), apply".

2(i) "**employer**" in relation to an establishment, means the owner thereof, and includes—

(i) In relation to a building or other construction work carried on by or on behalf of a Local Authority or other establishment, directly without any contractor, the Chief Executive Officer of that authority or establishment.

(ii) In relation to a building or other construction work carried on by or through a contractor, or by the employment of building workers supplied by a contractor, the contractor;

2(j) "**establishment**" means any establishment belonging to, or under the control of, Government, any body corporate or firm, an individual or association or other body of individuals which or who employs building workers in any building or other construction work; and includes an establishment belonging to a contractor, but does not include an individual who employs such workers in any building or construction work in relation to his own residence the total cost of such construction not being more than rupees ten lakhs;

The Building and Other Construction Workers' (Regulation of Employment and Conditions of Service) Act, 1996 is to be implemented by the Central Government where Central Government is appropriate Government and by State Government wherever State Government is the appropriate Government as the case may be as defined under Section 2(a) of the B.O.C.W. Act.

The Government has framed the Goa Building and Other Construction Workers' (Regulation of Employment and Conditions of Service) Rules, 2008 (referred as Rules) and notified vide Notification No. 24/12/2008-LAB dated 10th April, 2008 published in the Official Gazette, Series I No. 2 dated 10-4-2008. These rules lay down detailed provisions regarding safety, health and welfare of the building and other construction workers.

The Government of Goa has appointed Commissioner Labour & Employment, Goa as the Chief Inspector of Inspection of Building and Construction under Section 42(2) of the B.O.W.C. Act, 1996 and as Appellate Authority under Section 11 of the Cess Act. Deputy Labour Commissioner North & Deputy Labour Commissioners South have been appointed as Registering Officers for North & South District respectively. Deputy Labour Commissioner North & Deputy Labour Commissioner South alongwith Assistant Labour Commissioners, Panaji, Mapusa, Vasco and Ponda have been appointed as Assessing Officers vide order No. 22/12/2002-LAB/103 dated 1-2-2007.

Government of Goa has decided to start the implementation of these Acts and collection of the cess @ 1% of the cost of construction as provided in the Cess Act read with GOI Notification dated 26-9-1996 referred above, w.e.f. 1-1-2009 and issue following instructions for compliance:-

(i) All Government Departments, Local bodies, Public Sector Undertakings and other Government Bodies carrying out any building or other construction works which are covered under Section 2(d) of the B.O.W.C. Act (reproduced above) shall get themselves registered under section 7 of the B.O.W.C. Act with the concerned Registering Authority of the Labour Department.

(ii) All Government Departments, Public Sector Undertakings and Other Government Bodies carrying out any building or other construction works which are covered under Section 2(d) of the B.O.W.C. Act shall, in case the work is carried out through a contractor, deduct mandatory 1% of the total cost from the bills at the time of making payment to the contractors. Such payment as are deducted from the contractor's bills shall be remitted by way of demand draft in favour of the Goa Building and Other Construction Workers Welfare Board within 30 days of making such payment alongwith a forwarding letter addressed to Secretary, the Goa Building and Other Construction Workers Welfare Board.

(iii) In case the aforesaid work is carried out internally without employing contractors, the 1% of the total cost shall be remitted by way of demand draft drawn in favour of the Goa Building and Other Construction Workers Welfare Board by the Government Departments/

/Public Sector Undertakings/Corporations/ /other Government bodies etc.

(iv) Return on the prescribed format (**Annexure**) shall be furnished to the concerned Assessing Authority within 30 days of the completion of the project or 30 days of completion of the previous financial year as prescribed under Section 4 of the Cess Act.

(v) So far as private constructions are concerned, all Local Authorities i.e. CCP/ /Municipalities/Panchayats etc. shall obtain estimated cost of the construction along with the building plans which are submitted to them for approval by the concerned employers i.e. owners/contractors, builders etc. Such bodies shall collect upfront an amount of 1% of the estimated cost furnished along with building plans and remit by way of demand draft drawn in favour of Secretary, the Goa Building and Other Construction Workers Welfare Board along with a forwarding letter within 30 days of its collection in terms of Rule 3 of the Cess Rules. The local bodies, before remitting the amount of cess to the Goa Building & Other Constructions Workers' Welfare Board can deduct 1% of the total amount collected for meeting their administrative expenses.

(vi) In case of individual residential building plans, the 1% cess shall be collected only when the estimated cost is more than Rs. 10 lakh. In respect of Group Housing Societies, the Managing Committee of the society is liable to pay the cess. Where, the building is built by the builders, builder shall be liable. In the cases of collaboration agreements where the builder is constructing or has constructed the building in collaboration with the owner of the land/original building on sharing basis, the cess would be recovered from the builder or owner or both as per the collaboration agreement. It shall be ensured that no building plan is approved by such local bodies without collecting 1% cess.

By order and in the name of the Governor of Goa.

Diwan Chand, Secretary (Labour).

Porvorim, 29th December, 2008.

ANNEXURE

(To be furnished within 30 days of completion of the project or within 30 days of the previous financial year under Section 4 of the Building & Other Construction Workers Welfare Cess Act, 1996)

Proforma of Return to be submitted

1. Name of the owner/employer:
2. Address of the owner/employer:
3. Registration No. :
[If registered under Section 7 of Building & Other Construction Workers' (RE & CS) Act, 1996].
4. Address of the site of Construction work:
5. Date of approval of Building plan by the local authority:
(Attach a copy of Approved Building Plan)
6. Date of commencement of work: Date.....
Month..... Year
7. Estimate period of work: Month
Year
8. Estimate cost of construction of building:
(Please attach copy of relevant documents such as Agreement, Award of Contract, Estimate etc.)

Stages	Cost of Construction
1st Year	
2nd Year	
3rd Year	
Total	

9. Amount & date of Advance cess deposited:
with the local authorities
(Attach a copy of receipt)

Stages	Amount of Cess	Challan No. & Date	Advance-A Deduction at Source-D Final-F
1st Year			
2nd Year			
3rd Year			
Total			

10. Indicate if construction of building has been completed fully during the previous financial year:~~Yes~~No
11. If yes, give details of cost of construction of building along with an Affidavit in the enclosed proforma:
12. For any other type of construction work covered under Section 2(d) of the Building & Other Construction Workers' (RE & CS) Act, 1996, (Reproduced overleaf), please give specific details and cost including in an Affidavit in the enclosed proforma:
13. Total cost of construction incurred during the previous financial year for an ongoing project (Attach audited accounts, in support):
14. Detail of payment of final amount of Cess payable during the previous financial year after adjusting advance tax deposited with the local authority: (Attach a copy of challan)

Employer's Signature

Name:

Dated:

— — ◆◆ — —

Department of Law & Judiciary

Law (Establishment) Division

Order

13/14/2007-LD/ESTT/1778

Sanction of the Government is hereby accorded for the revival of the post of Civil Judge, Jr. Div. & J.M.F.C., Panaji, Goa in the scale of Rs. 9000-250-10750-300-13150-350-14550 created in the District and Sessions Court in the North Goa District. The pay shall be debited to the Budget Head "2014-Administration of Justice, 105-Civil and Session Courts, 01-Civil Judge (North Goa), 01-Salaries under Demand No. 3".

This issues with the approval of Administrative Reforms Department vide U. O. No. 1251/F dated 20-10-2008 and with the concurrence of Finance (Rev. & Cont.) Department vide their U. O. No. 2997-F dated 2-12-2008.

By order and in the name of the Governor of Goa.

Vassudev N. Shetye, Under Secretary (Estt.).

Porvorim, 30th December, 2008.

Department of Personnel

Notification

1/16/76-PER (Pt.)

In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor of Goa hereby makes the following rules to regulate the recruitment to the Group 'C', Non-Ministerial, Non-Gazetted post, in the Department of Information and Publicity Government of Goa, namely:—

1. Short title, application and commencement.—

(1) These rules may be called the Government of Goa, Department of Information and Publicity, Group 'C', Non-Ministerial, Non-Gazetted post, Recruitment Rules, 2008.

(2) They shall apply to the post specified in column (1) of the Schedule to these rules (hereinafter called as the "said Schedule").

(3) They shall come into force from the date of their publication in the Official Gazette.

2. Number, classification and scale of pay.—

The number of posts, classification of the said post and the scale of pay attached thereto shall be as specified in columns (2) to (4) of the said Schedule:

Provided that the Government may vary the number of posts specified in column (2) of the said Schedule from time to time subject to exigencies of work.

3. Method of recruitment, age limit and other qualifications.— The method of recruitment to the said post, age limit, qualifications and other

matters connected therewith shall be as specified in columns (5) to (13) of the said Schedule.

4. Disqualification.— No person who has entered into or contracted a marriage with a person having a spouse living or who, having a spouse living, has entered into or contracted a marriage with any person, shall be eligible for appointment to the service:

Provided that the Government may, if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.

5. Power to relax.— Where, the Government is of the opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing, relax any of the provisions of these rules with respect to any class or category of persons.

6. Saving.— Nothing in these rules shall affect reservations, relaxation of age limit and other concessions required to be provided for Scheduled Castes and other special categories of persons in accordance with the orders issued by the Government from time to time in that regard.

By order and in the name of the Governor of Goa.

Yetindra M. Maralkar, Joint Secretary (Personnel).

Porvorim, 23rd December, 2008.

SCHEDULE

Name/ Designation of post	Number of posts	Classifi- cation	Scale of pay	Whether selection post or non- selec- tion post	Age limit for direct recruits	Whether the benefit of added years of service is admissible under Rule 30 of CCS (Pension) Rules, 1972	Educational and other qualifications required for direct recruits	Whether age & educational qualifications prescribed for the direct recruits will apply in the case of promotees	Period of probation, if any	Method of recruitment, whether by direct recruitment or by promotion/ or by deputation/ /transfer/contract and percentage of the vacancies to be filled by various methods	In case of recruitment by promotion/ /deputation/ transfer, grades from which promotion/ /deputation/ /transfer is to be made	If a D.S.C./ /D. P. C. exists, what is its composition	Circumstances in which Goa Public Service Commission is to be consulted in making re- cruitment
1	2	3	4	5	6	6(a)	7	8	9	10	11	12	13
Video- grapher.	1 (2008) (Sub- ject to varia- tion depen- dent on work- load).	Group C, Non- Ministe- rial, Non- Gaze- tted.	Rs. 5500- -175- -9000.	Selection.	Not exceed- ing 40 years (Relaxable for Govern- ment servants upto 5 years in accor- dance with the orders or instructions issued by the Government).	N. A.	Essential: (1) Graduate or equivalent from a recognized University. (2) Diploma in Video- graphy from a recognized Institute. (3) Experience in Video- graphy for at least three years. (4) Knowledge of Konkani. Desirable: (1) Degree in Videography from a recognized Uni- versity/Institute. (2) Knowledge of Marathi.	Age: No Educa- tional Qualifica- tions: No	Two years.	By promotion, failing which, by direct recruitment.	Promotion: Photographer with seven years regular service in the grade and having 3 years experience in Videography.	Group C, D. P. C./ /D. S. C.	N. A.

Department of Social Welfare

Directorate of Social Welfare

Notification

50-131-97-98-HC

**SCHEME TO PROVIDE SUBSIDY TO
KADAMBA TRANSPORT CORPORATION
IN LIEU OF TRAVEL CONCESSION
PROVIDED TO SENIOR CITIZENS
AND PERSONS WITH DISABILITIES**

1. **Objectives of the Scheme.**— The objective of the Scheme is to provide Subsidy to Kadamba Transport Corporation Ltd. in lieu of travel concession provided by KTCL to the Senior Citizens and Persons with Disabilities.

2. **Commencement of the Scheme.**— The Scheme shall come into force from date of Publication of Scheme in the Official Gazette.

3. **Definitions.**— (1) Government means the Government of Goa.

(2) Director means the Director of Social Welfare Government of Goa.

(3) KTCL means Kadamba Transport Corporation Limited, a Government of Goa Undertaking.

(4) Senior Citizen means a person, who has completed the age of 60 years.

(5) Persons with Disabilities means a person suffering from not less than forty percent of any disability as certified by a Medical Authority.

(6) Identity Card means an identity card issued by the Directorate of Social Welfare for Senior Citizens and for Person with Disabilities.

4. **Mode of Application and other General Conditions.**— (1) Under the Scheme Subsidy shall be provided to KTCL by the Director of Social

Welfare in lieu of Travel Concession provided by the KTCL to the Senior Citizens and Persons with Disabilities.

(2) KTCL shall provide 50% travel concessions to Senior Citizen and 100% concessions to the Persons with Disabilities in all buses notified by KTCL for the purpose; including Shuttled Services.

(3) The concession shall be provided by KTCL to the Senior Citizens as well as Persons with Disabilities only on the production of Identity Card issued by the Directorate of Social Welfare

(4) KTCL shall claim the subsidy from the Directorate of Social Welfare every quarterly in lieu of concessions provided by them.

(5) Directorate of Social Welfare shall make the Budgetary Provisions for release of subsidy to KTCL and shall release the subsidy amount every quarterly on receipt of Claim from KTCL.

5. **Method of calculation for claim of Subsidy.**— KTCL shall calculate the claims for subsidy based on the following Computations.

(a) **For Senior Citizens:** Ten percent (10%) of the total numbers of Identity Cards issued at the rate of Rs. 5/- (Rupees five only) per day.

(b) **For Persons with Disabilities:** Ten percent (10%) of the total numbers of Identity Cards issued at the rate of Rs. 17/- (Rupees seventeen only) per day.

6. **Interpretation and Relaxation.**— (1) The Director of Social Welfare shall be the final authority concerning the interpretation of this Scheme.

(2) The Government may relax any of the provision of this Scheme.

By order and in the name of the Governor of Goa.

N. B. Narvekar, Director of Social Welfare & ex officio Joint Secretary.

Panaji, 22nd December, 2008.